REMARKS

The present application was filed on July 15, 2003 with claims 1-17. Claims 1, 16 and 17 are the independent claims.

Claims 1-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,013,255 (hereinafter "Smith") in view of an article by St. Hontas et al. (hereinafter "St. Hontas").

Applicants respectfully request reconsideration of the present application in view of the remarks below.

Claim 1 recites limitations wherein a determination of whether or not to generate a traffic burst for a given time interval is based on an amount of traffic of a different type that was generated over one or more previous time intervals. The Examiner concedes that Smith fails to teach this limitation, but instead argues that it is met by the teachings of St. Hontas at 4.1.1 that "dependencies between a burst and the following silence, or autocorrelative (e.g., autoregressive) laws between the bursts from cycle to cycle are easily implementable."

Applicants respectfully submit that the relied-upon portion of St. Hontas fails to remedy the fundamental deficiency of Smith so as to meet the limitations of claim 1, in that there is clearly no determination of whether or not to generate a traffic burst for a given time interval based on an amount of traffic of a different type that was generated over one or more previous time intervals. Rather, the relied-upon portion of St. Hontas teaches away by disclosing a technique wherein each of the silence duration, intercell distance, and number of cells is "drawn from its own histogram, independently from each other and from cycle to cycle." See St. Hontas at 4.1.1.

Moreover, Smith at column 1, lines 57-67, indicates that the autoregressive model, suggested by the portion of St. Hontas upon which the Examiner relies, has "been largely unsuccessful in characterizing the bursty nature of ATM traffic." As such, even if one could combine the teachings of Smith and St. Hontas so as to reach the limitations of claim 1, one would not have been motivated to have done so in light of this explicit teaching away from the proposed combination.

The Examiner further asserts that the aforementioned limitation of claim 1 wherein a determination of whether or not to generate a traffic burst for a given time interval is based on an amount of traffic of a different type that was generated over one or more previous time intervals is "a

2

well-known feature in the art at the time of the invention, as further evidenced by St. Hontas." As indicated above, St. Hontas fails to teach or suggest this limitation. As such, Applicants respectfully respects that, for each invocation of official notice, Examiner provide either documentary evidence or an affidavit or declaration setting forth specific factual statements and explanation to support the finding, as required by 37 C.F.R. § 1.04(d)(2) in order for such a rejection to be maintained.

Accordingly, it is believed that claim 1 is not obvious over Smith in view of St. Hontas.

Independent claims 16 and 17 are believed allowable for reasons similar to those identified above with regard to claim 1.

Dependent claims 2-15 are believed allowable for at least the reasons identified above with regard to their respective independent claims. One or more of these dependent claims are also believed to define separately-patentable subject matter over the cited art.

For example, dependent claim 2 recites limitations directed determining whether or not to generate a traffic burst for a given time interval based on an amount of traffic of a different type that was accumulated over one or more previous time intervals. The Examiner contends that these limitations are taught by Smith at column 6, lines 30-45, which the Examiner characterizes as showing a "percentage of the total number of packets in a specified time interval." As noted in the previous response, Smith teaches that a user can assign percentages to particular traffic types. These percentage assignments do not involve determining whether or not to generate a traffic burst for a given time interval based on an amount of traffic of a different type that was accumulated over one or more previous time intervals. To the contrary, the relied-upon portions of Smith appear to teach that the percentage assignments are multiplied by the total number of packets passing through or routed by a switch in a specified time interval to yield the number of packets in each category for that time interval. See Smith at column 6, lines 40-57. Thus, the relied-upon percentage assignments appear to be used simply to apportion a total number of packets for a given time interval between the normal and lognormal traffic types. There is clearly no determination of whether or not to generate a traffic burst of one traffic type for a given time interval based on an amount of traffic of the other traffic type accumulated during one or more previous time intervals.

Moreover, in formulating the rejection of dependent claim 6, the Examiner asserts that Smith at column 2, line 55, to column 3, line 2, and at column 6, line 58, to column 7. line 3, discloses limitations directed to determining, for each of the one or more time intervals, if an amount of the traffic of the first type generated during that interval is less than a comparison level, and if so adding an amount of compensatory traffic to a burst container having a capacity given by a burst size. Applicants have reviewed the relied-upon portions of Smith and have found no teachings or suggestions which meet the limitations of claim 6. Indeed, the relied-upon portions of Smith fail to teach or suggest any comparison of an amount of traffic to a comparison level, much less the limitations directed to adding compensatory traffic to a burst container.
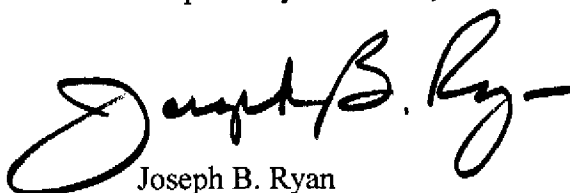
Likewise, in formulating the rejection of claim 12, the Examiner contends that Smith at column 6, line 58, to column 7, line 38, discloses the recited steps of creating an initially-empty burst container having a capacity that is equal to the burst size; adding compensatory traffic to the burst container whenever the total traffic of the first type generated within a given sample slot time is less than a comparison level, such that for each such addition of compensatory traffic, a level of traffic in the burst container increases by the compensatory-accumulation size; and generating the given traffic burst when the burst container level is greater than or equal to the burst size. Here again, Applicants have reviewed the relied-upon portion of Smith and have found no teachings or suggestions regarding either a burst container or compensatory traffic, much less the aforementioned limitations of claim 12.

Claim 13 recites a limitation wherein the traffic of the second type comprises a plurality of traffic bursts which are generated in a manner which tends to compensate for temporary reductions in the amount of traffic of the first type so as to substantially maintain a particular level of traffic flow. The Examiner argues that these limitations are taught by Smith at column 6, lines 15-30, and at column 7, lines 29-38. The former portion of Smith teaches that a user may determine a traffic mixture, typically defined in terms of the percentage of packets in the traffic which contain voice, video, and data. The latter portion of Smith teaches that a synthetic traffic stream may be used to design various components of an ATM network by, for example, determining various characteristics associated with an ATM traffic channel. There is simply no teaching or suggestion of the

4

aforementioned limitation wherein the traffic of the second type comprises a plurality of traffic bursts which are generated in a manner which tends to compensate for temporary reductions in the amount of traffic of the first type so as to substantially maintain a particular level of traffic flow.

In view of the above, Applicants believe that claims 1-17 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejection.

Respectfully submitted,

Date: October 30, 2007

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